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EXAMINER

HOANG, PHUONG N

ART UNIT	PAPER NUMBER
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2126

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DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/717,533

Applicant(s)

BARTZ ET AL.

Examiner

Phuong N. Hoang

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 - 13 is/are allowed.
- 6) ☒ Claim(s) 1 - 6, and 14 - 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1 – 24 are pending for examination.

#### ***Specification***

2. Applicant's response of 3/25/04 includes a reference to application number 09/717,568. This appears to be a typographical error. For examining purpose, examiner would treat it as the application number 09/717,533.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Pouschine, US patent no. 5,918,232.**

5. **As to claim 14, Pouschine teaches a versioning system comprising the step of:**

first parsing (parser 122, col. 15 lines 50 – 52) means for parsing at least a first portion of a data request or command (HOL queries, col. 15 lines 60 – col. 16 lines 45);

one or more second parsing means for parsing at least a second portion of the data request or command (calculation engine 18 takes the applicable rules to parse the query tree, col. 16 lines 23 – 45);

command dispatching (dispatcher 120, col. 15 lines 45 – 67) means for dispatching the parsed data request or command; and

one or more versioning protocol providers (ODBC 30, fig. 1 and col. 15 lines 65 - col. 16 lines 1) for receiving the dispatched request or command.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 2, 4, 6, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pouschine, US patent no. 5,918,232 in view of Hills, US patent no. 6,473,807.**

8. **As to claim 15**, Pouschine does not explicitly teach the step of wherein one or more of the second parsing means are under control of a respective one of the protocol providers.

Hills teaches the step of one or more of the second parsing means are under control of a respective one of the protocol providers (request is parsed by ODBC invocation program, col. 5 lines 55 col. 6 lines 18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Pouschine and Hill's system because Hill's parser is necessary for the ODBC to select a driver for connecting to the databases.

9. **As to claim 16**, Pouschine teaches one or more stores operatively couple to one or more of the protocol providers (ODBC, fig. 1 and col. 15 lines 65 - col. 16 lines 1).

Pouschine does not explicitly teach version stores.

The APA teaches version store (versioned stores, page 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Pouschine and the APA's system because the APA's version store is good for organizing the RDBMS and also keeping data as separate versions for easily organizing and accessing.

10. **As to claim 1**, Pouschine teaches the step of an architecture for a versioning application program interface, comprising:

an OLE DB interface (OLE API, col. 9 lines 30 – 45) for communicating with a client application (client application 40, col. 9 lines 30 – 45);

a first command parser (parser 122, col. 15 lines 50 – 52) operatively coupled to the OLE DB interface, the interface receiving a command from the client application (query, col. 15 lines 32 – 55);

a command dispatcher (dispatcher 120, col. 15 lines 45 – 67) operatively coupled to the first command parser; and

one or more protocol providers (ODBC 30, fig. 1 and col. 15 lines 65 - col. 16 lines 1) operatively coupled to the command dispatcher, each of the second parsers parsing at least a portion of the command (the calculation engine 18 takes the applicable rules to parse the query tree, col. 16 lines 23 – 45);

Pouschine does not teach with each protocol provider including a second command parser.

Hills teaches each protocol provider including a second command parser (request is parsed by ODBC invocation program, col. 5 lines 55 col. 6 lines 18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Pouschine and Hill's system because Hill's parser is necessary for the ODBC to select a driver for connecting to the databases.

11. **As to claim 2**, Pouschine teaches the step of wherein the one or more protocol providers include at least two protocol providers (ODBC 30, fig. 1).

12. **As to claim 4**, Pouschine teaches the steps of wherein the command dispatcher functions synchronously or asynchronously (subsequently, col. 15 lines 65 – col. 16 lines 5) and wherein one or more of the protocol providers function synchronously (the ODBC just execute when users make request to database).

13. **As to claim 6**, Pouschine teaches one or more version stores operatively couple to one or more of the protocol providers (accesses the databases through the ODBC 30, fig. 1 and col. 15 lines 65 - col. 16 lines 1).

14. **Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pouschine, US patent no. 5,918,232 in view of Hills, US patent no. 6,473,807, and further in view of "Official Notice".**

15. **As to claim 3**, Pouschine and Hill do not teach the step of OLE DB 2.5.

It would have been obvious for one skilled in the art to recognize that OLE DB should apply to OLE DB 2.5 because it would provide for compatibility of exiting systems while having the most up to date version of the software for performance reasons.

**16. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pouschine, US patent no. 5,918,232, in view of Hills, US patent no. 6,473,807, and further in view of Burroughs, US patent no. 6,341,289.**

**17. As to claim 5,** Pouschine and the APA do not teach wherein one or more of the protocol providers is implemented as one or more C++ or COM objects.

Burroughs teaches one or more of the protocol providers is implemented as one or more C++ (ODBC consists function calls in a high-level language, such as C, C++, col. 8 lines 50 – 60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Pouschine, Hill, and Burroughs's system because Burroughs' C++ is well-known as a dependable language.

**18. Claims 17 – 19, and 20 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pouschine, US patent no. 5,918,232 in view of the admitted prior art (APA) pages 1 – 2.**

**19. As to claim 17,** Pouschine teaches a method of operating a computer system including two or more version stores, the method comprising the steps of:

receiving a request from a client application (client application 40, col. 9 lines 30 – 45) with the request having at least first and second portions;



parsing the first portion of the request (parser 122, col. 15 lines 50 – 52);

parsing the second portion of the request based on results of parsing the first portion (calculation engine 18 takes the applicable rules to parse the query tree, col. 16 lines 23 – 45);

dispatching (dispatcher, col. 15 lines 45 – col. 6) the parsed first and second portions of the request to one of the two or more stores (RDBMS, col. 16) based on the first portion of the request.

Pouschine does not teach version store.

The APA teaches version store (versioned stores, page 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Pouschine and the APA's system because the APA's version store is good for organizing the RDBMS and also keeping data as separate versions for easily organizing and accessing.

20. **As to claim 18**, Pouschine modified by the APA teaches the steps of parsing the second portion of the request based on results of parsing comprises the steps of:

passing the second portion to a command parser associated with only with one of the version stores, based on the first portion (Pouschine; this is sent to the calculation engine 18, col. 16 lines 22 – 45)

parsing the second portion (Pouschine; calculation engine 18 takes the applicable rules to parse the query tree, col. 16 lines 23 – 45) at the command parser associated with the one version store (APA; version store, page 1).

21. **As to claim 19**, see rejection for claim 11 above.

22. **As to claims 20 and 23**, Pouschine teaches a method of operating a versioning system, comprising the steps of:

receiving a request for data (server receives request for data from client, col. 9);  
selecting at least one store from a group of two or more stores and  
communicating information based on the request to the selected store (communicates with a RDBMS through an SQL generator 218, col. 16 lines 40 – 60).

Pouschine does not teach version store.

The APA teaches version store (versioned stores, page 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Pouschine and the APA's system because the APA's version store is good for organizing the RDBMS and keeping data as separate versions for easily organizing and accessing.

23. **As to claim 21**, the APA teaches adding one or more version stores to the group of three or more version stores to form an extended group of two or more version (APA, store one or more versions of a document, page 1 first paragraph of background).

24. **As to claim 22**, the APA teaches the system would receive many requests from user (APA, store one or more versions of a document, page 1 first paragraph of background).

25. **As to claim 24**, Pouschine teaches a computer readable medium having executable instructions encoded thereon comprising the steps of:

an application program interface (API, col. 9 lines 35 – 45) for receiving requests for data (data, col. 15 lines 30 – col. 16); and

two or more protocol providers (ODBC, fig. 1 and col. 15 lines 65 - col. 16 lines 1) operatively coupled to the application program interface for facilitating fulfillment of the received requests.

Pouschine does not teach versioning data.

The APA teaches versioning data (versioned stores, page 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Pouschine and the APA's system because the APA's version store is good for organizing the RDBMS and keeping data as separate versions for easily organizing and accessing.

***Allowable Subject Matter***

26. Claims 7 – 13 are allowed.

***Response to Arguments***

27. Applicant's arguments filed on 3/25/04, respect to claims 1 - 6, and 14 – 24, have been fully considered but they are not persuasive.

28. Applicant argued in substance that

- (1). Pouschine does not teach second parsing.
- (2). Pouschine does not teach the OLE API receives commands.
- (3). Pouschine does not teach version store. Thus, there is no motivation to combine the Pouschine and the APA.

29. Examiner respectfully disagrees with applicant's remark.

As to point 1, Pouschine teaches second parsing (the calculation engine 18 takes the applicable rules to add to the query tree, col. 16 lines 23 – 45). Parsing is using rules so that the application can act on the information.

As to point 2, applicant simply repeats amended claimed. However, Pouschine teaches the API receives commands (query, col. 15 lines 30 - 55).

As to point 3, examiner does not cite Pouschine for teaching version store. Pouschine would teach the whole invention if teaching version store. It is the combination of Pouschine and the APA, not Pouschine alone, teaches the claimed limitations.

Pouschine teaches client can access to one or more data stores (retrieve data from one or more databases, col. 15 lines 33 – 36).

Pouschine does not teach the data stores are version stores.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Pouschine and the APA's system because the APA's version store is good for organizing the RDBMS and keeping data as separate versions for easily organizing and accessing.

### ***Conclusion***

30. The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Kabra et al., US patent no. 6,594,651, demonstrating a method for parallel execution of query.


31. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Ph

June 11, 2004

  
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